

**MINUTES FOR BOARD MEETING OF THE NEVADA STATE BOARD OF ARCHITECTURE, INTERIOR DESIGN AND RESIDENTIAL DESIGN
October 22, 2013
Board Conference Room, 2080 East Flamingo Road, Suite 120, Las Vegas, NV 89119**

Tuesday, October 22, 2013

Chairman Greg Erny called the meeting to order at 8:05 a.m.

Roll Call: Greg Erny, Chairman; John Klai, Secretary/Treasurer; George Garlock, Jim Mickey, William Snyder, Larry Tindall, Kimberly Ciesynski, and Sean Tanner. Sandy Peltyn was absent.

Also in attendance: Gina Spaulding, Executive Director; Louis Ling, Legal Counsel; Betty Ruark, Chief Investigator; Monica Harrison, Laura Bach and Tammy Bond, staff; and NCARB guests: Mike Armstrong, Chief Executive Officer; Mary DeSouza, Chief Operating Officer; and Kathy Hillegas, Director for Council Relations.

AGENDA ITEM 1 Public Comment

There was no public comment.

AGENDA ITEM 2 Approval of Consent Agenda

Consent agenda included the following:

- A. Approval of Agenda
- B. Approval of Minutes: June 26, 2013 & August 22, 2013
- C. Secretary/Treasurer Report
 - 1. Nevada Architect, Registered Interior Designer and Residential Designer Licensing Statistics
 - 2. Wells Fargo Bank Statements
 - 3. September 2013 QR Statement
- D. Ratification of Reciprocal Licenses (see attached list)
- E. Firm Name Approval Requests
 - 1. SmithGroup, LLC
 - 2. Andoscia Architecture LLC
 - 3. Phillips Partnership, P.C.
 - 4. studio g ARCHITECTURE
 - 5. HiiVE creative, LLC
 - 6. TAL Studio
- F. Firm Registration Approval Requests
 - 1. Naos Design Group, LLC

Architects: Registration by reciprocity

7006	Brady W. Harding	7011	Michael J. Fisher
7007	Tad A. Jones	7012	William R. Ansteth
7008	Robert T. Lundin	7013	Lawrence L. Certain
7009	Jeffrey W. Winter	7014	Charles S. Cook
7010	Keith E. Kelly	7015	Richard K. Frerichs

7016 Joseph E. Hughes
7017 Robert W. Rosenthal
7018 Richard B. Simmons
7019 Marc J. Breetz
7020 Brittany M. W. Johnson
7021 J. Joseph Diemer
7022 Nicholas J. Eckart
7023 Paul C. Gogan

7024 Gregors G. Hollenkamp
7025 Marc O. Lindvig
7026 William E.J. Martin
7027 Hope B. Martone
7028 Daniel L. McPeak
7029 David E. Neagley
7030 Timothy J. Shremshock

Board members requested agenda item 2E-1, 2E-3, and 2E-4 be pulled from the consent agenda. 2E-5 and 2E-6 were pulled pending further action upon registration of the principals under Agenda Item 3A.

Motion: Garlock moved to approve the consent agenda, items 1 through 2D, 2E-2 and 2F-1. Motion seconded by Klai.

Vote: All in favor. Motion passes.

AGENDA ITEM 2E-1 Firm name approval request: SmithGroup, LLC

Mickey inquired about the status of the other active Nevada firms owned by the registrants in the proposed SmithGroup, LLC. Spaulding said there is no limit to the number of approved firms used in Nevada and that the firm's names have evolved over time. She said the proposed name complies with NAC 623.740 as the registrants have incorporated SmithGroup, LLC in Nevada and Smith is one of the three owners.

Klai asked why not all firm applicants submit state business license documentation. Spaulding said that as a staff policy we require a business license only for sole proprietors as they are not required to file with the Secretary of State. Applicants, on occasion, unnecessarily submit a business license but the Secretary of State registration is required per statute and regulation.

Ruark offered the board clarification saying that as the result of recent disciplinary action, in an attempt to get into compliance with the Nevada board, the registrants submitted this name to now be properly approved to practice in the state.

Motion: Klai moved to approve the firm name request for "SmithGroup, LLC." Motion seconded by Garlock.

Vote: All in favor. Motion passes.

AGENDA ITEM 2E-3 Firm name approval request: Phillips Partnership, P.C.

Motion: Klai moved to approve the firm name request for "Phillips Partnership, P.C." Motion seconded by Tanner.

Mickey asked why there was a several year gap in time between the March 2004 date of registration with the Nevada Secretary of State and the date of this application for firm name approval. Spaulding said there are many instances where a firm might register with the Secretary of State and delay the actual request from the board for a firm name approval.

The board also discussed the fact that the proposed firm name includes the word 'Partnership' in the name but is owned by one individual. Spaulding and board members agreed that this would be misleading to the public as it implies that the firm has more than one owner.

Vote: All opposed. Motion fails.

Motion: Garlock moved to deny the firm name request for "Phillips Partnership, P.C." based on the word 'Partnership' in the firm name being misleading to the public. Motion seconded by Klai.

Vote: All in favor. Motion passes.

AGENDA ITEM 2E-4 Firm name approval request: studio g ARCHITECTURE

Garlock asked for clarification regarding "Pacific Design Studio dba studio g ARCHITECTURE" as a side note on the application. Spaulding said she had previously clarified with Gardner that the requested firm name is "studio g ARCHITECTURE" and not "Pacific Design Studio, LLC dba studio g ARCHITECTURE" on the application. Gardner provided Spaulding with a letter that needs to be executed for the record. The letter read, "The purpose of this letter is to notify the board of a transfer of ownership of Blue Heron Architecture LLC. Blue Heron Architecture has transferred its controlling interest of 67% from Michael Gardner #6616 to Ignatio Gonzalez #3883. This transfer is scheduled to take effect immediately upon the board's acknowledgement of this notification of transfer." Spaulding said that this type of transfer of ownership does not require board approval. Spaulding said Gardner is dissolving the interiors portion. Erny clarified with Spaulding that the approval would be conditional upon this letter being formally executed and becoming part of the record as it was read.

Motion: Garlock moved to approve the firm name request for "studio g ARCHITECTURE." Motion seconded by Snyder.

Vote: All in favor. Motion passes.

AGENDA ITEM 8 Review and discussion regarding continuing education hardship requests

Motion: Garlock made a motion to approve architect, Mary Kozlowski-Vought's request for exemption from the 2013 continuing education requirement for the 2014 renewal. Snyder seconded the motion.

Vote: All in favor. Motion passes.

AGENDA ITEM 3A Deliberations/Action on applications for registration: Registered interior design

Klai swore in the following individuals as registered interior designers:

1. Tiina Martin.....205-ID
2. Todd-Avery Lenahan.....204-ID

Motion: Tanner moved to approve the registration of the above referenced individuals as registered interior designers. Motion seconded by Ciesynski.

Vote: All in favor. Motion passes.

Randy Lavigne, Hon. AIA, Executive Director of AIA Nevada and AIA Las Vegas presented Certificates of Recognition to the new registrants congratulating them on their accomplishments.

Erny said that it is customary at the registration ceremony to allow new registrants to offer comments, suggestions, or constructive criticism about the entire Nevada licensing process. He said as newly licensed professionals it is now their professional obligation to offer feedback to help continually improve the process for those coming behind them.

One new registrant said the process to licensure was great. She suggested that the website and candidate materials clearly note that the Nevada board does not accept electronic transcripts. Spaulding thanked her for the comment.

The other new interior design registrant complimented Spaulding, Harrison, and Bach on making the licensure process much less complicated than expected. He also thanked those involved in aiding in the recent passage of legislation to allow architecture degreed candidates to become registered interior designers in Nevada. Spaulding said the board had initially submitted a bill draft request to make the change at the legislative level. Being such a small change to our statute, it was denied by the Governor for the 2013 Legislative Session. Spaulding said the board proposed the change in the law to allow those with architecture degrees to become registered interior designers in Nevada. New registrant, Lenahan said he was pleased that the board moved forward with the request. He said that once it was denied, he then proposed the change as a member of the public sector. Spaulding said the board supported the new bill draft. Spaulding said this will help those in the future with architecture degrees who want to take the path to licensure as registered interior designers.

Spaulding told the new registrants that the swearing-in ceremony presents an opportunity for them to meet their board and staff. She told them the staff is here to answer questions along their journey regarding their scope of practice in Nevada as well as how the board interprets its laws and rules. She said relationship with the registrants is important to the board and we are here to help them succeed. She said when the registrant calls they will actually get a person answering the phone who will either know their answer or will get back to them with it including guidance outside our jurisdiction if they need help with that. Erny added that the demeanor and attitude of the Nevada board is to serve those we are here for.

Klai told the board that additional congratulations were in order for new registrant, Todd-Avery Lenahan who is being honored at the 10th Annual HOSPYP Awards as the recipient of the 2013 Lifetime Achievement Award at the Wynn Las Vegas on Saturday, November 16.

AGENDA ITEM 5C Discussion and possible decision regarding the release of plans from building departments

Erny said this item is about the board's concern regarding building department policies on the release of architectural plans to members of the public. Ruark said that it was recently brought to her attention that it is the policy of the City of Las Vegas Building Department to release copies of full sets of plans/construction documents to members of the public upon request. Ruark, who was unaware of this practice, followed up by contacting the Building and Safety Department who provided answers to questions regarding the policy. Ruark asked the board if, as design professionals, they were aware of this policy.

Garlock said that according to the backup provided that quoted John Redlein, City Attorney's 2009 interpretation of the policy, the city council approved the city of Las Vegas written policy to release public records when asked. Garlock asked board counsel how a set of documents submitted for a building permit becomes public.

Ling said that Nevada has one of the broadest public records laws in the country and that anything submitted to or generated by a public agency is a public record unless the information is confidential by law. Ling and board members went on to discuss that this very broad law does not address the fact that while these documents may be generated by a public agency they also are copyrighted/proprietary materials that are being released to the public without the consent of the design professional.

Spaulding said that a discussion was held at a recent Nevada Construction Industry Relations Committee (NCIRC) meeting on this issue revealing that the various building departments have differing policies from one another. Spaulding said she will contact Ron Lynn of the Clark County Building Department and a member of the NCIRC Committee for a copy of the opinion provided some time ago by their District Attorney.

Lavigne, Executive Director of AIA Nevada and AIA Las Vegas said she was unaware that this policy is in place. She said AIA's position would be to go to the city and to explain that there needs to be a stop gap or checking system in place so that the architect of record or copyright holder has the opportunity to know that those plans are being given to someone who may use them for other purposes. She and board members expressed that this is a health, safety and welfare concern and certainly a security issue. Lavigne added that she will explore what steps can be taken to rectify the problem.

Erny summarized that it is of the interest of the board to correct this issue upon exploring the opinions of the other jurisdictions and the building departments. Spaulding suggested that the board send out letters to the building departments and sister boards to get their position, sharing

our concerns and then schedule a meeting to bring all affected entities to the table. Erny said that regardless of the differences in opinion, the result needs to be that we establish a policy that is uniform and consistent. Spaulding said that once the policy is established, the outcome would be communicated in the newsletter to registrants.

AGENDA ITEM 4 Strategic Plan Presentation: Review and Update-Kim Perkins, M3 Planning

Kim Perkins of M3 Planning presented a review of the proposed draft of the 2013-2018 Strategic Plan that resulted from the board's Strategic Planning Session held at the August 2013 board meeting in Reno, Nevada.

Perkins reviewed the revised mission statement with the board and had them choose between two proposed drafts of the revised vision statement.

Perkins also reviewed the following areas of the strategic plan summary gathering feedback and suggestions for further revision or editing:

- Organization-wide Strategic Themes
- Strategy Rationale
- Strategic Plan Summary
- Long-Term Goals, Objectives and Actions

Perkins said the goal for the next board meeting is for M3 Planning to provide the board with a one-page draft communication document and the finalized strategic plan for board review and final approval. She said the staff's next step after board approval should be to build-out an action plan to meet goals with assigned leadership accountability in place.

Perkins suggested scheduling a bi-annual progress report upon implementation of the strategic plan to be presented to the board by staff. After the first year, annual progress reports should be given to the board.

AGENDA ITEM 2E-5 Firm name approval request: HiiVE creative, LLC

Erny recalled the item, tabled earlier pending registration of the proposed firm's principal, Tiina Martin.

Motion: Tindall moved to approve the firm name request for "HiiVE creative, LLC." Motion seconded by Ciesynski.

Vote: All in favor. Motion passes.

AGENDA ITEM 2E-6 Firm name approval request: TAL Studio

Erny recalled the item, tabled earlier pending registration of the proposed firm's principal, Todd-Avery Lenahan.

Motion: Klai moved to approve the firm name request for "TAL Studio." Motion seconded by Snyder.

Vote: All in favor. Motion passes.

AGENDA ITEM 5A-1 Case No. 13-050R – In the matter of Shaun Yauch

The Respondent, a Nevada architect, registration #6208, is alleged to have violated NRS 623.270.1 (c) and (f) and Rule of Conduct 1.1 by not acting with reasonable care and competence and not applying the knowledge and skill ordinarily applied by architects of good standing for Clark County Fire Station 22 (FS22).

Staff located an article in the Las Vegas Review Journal that Clark County was suing a firm who had designed a fire station which was not able to accommodate their largest apparatus'. During the investigation it was revealed that the Respondent was made aware by the fire chiefs stationed at FS22 that the chiefs took dimensions for the new station from Yauch's drawings and ran tests with their trucks on the site and found that the trucks would not be able to enter into the building without having to make a two or three point turn. Yauch did not follow up with the fire chiefs or have them recreate their test.

The Respondent ensured the fire department and Clark County that the trucks would be able to make the turn based upon the Clark County Fire Road Access standards stating that the turn radius of the largest vehicle was within the standards. These standards are used to make sure roadways and open lots such as a strip mall are wide enough for the fire trucks to access the surrounding residences/buildings and are not used to determine whether a vehicle is able to enter a building. As a result of not meeting with the fire chiefs to have them recreate the test and using the wrong guidelines for the turning analysis, the fire station was constructed and the 75' and 100' trucks were not able to enter the bays.

The Respondent was sent a Notice of Charges concerning this project and a letter of response was received. The Respondent's case was discussed with Chief Investigator Ruark and the decision was made to offer the Respondent an opportunity to settle this issue informally rather than face a disciplinary hearing before the Board. A settlement agreement was negotiated which incorporated Guilt language, two years' probation, a requirement to take educational courses in large vehicle maneuverability and advanced site planning approved by Board staff within 60 days of the Board approved settlement agreement in order to stay the administrative penalty of \$10,000. The Respondent must pay the Investigative Costs of \$7,125. If the Respondent does not complete the required courses, he will have to pay the Administrative Penalty of \$10,000.

Staff recommends approval of the settlement agreement.

Motion: Klai moved to approve the settlement agreement. Motion seconded by Snyder.

Vote: Garlock recused himself. All others in favor. Motion passes.

AGENDA ITEM 5A-2 Case No. 14-002R – In the matter of Joel Sherman/JLS Design

The Respondent, a residential designer, registration # 111-P is alleged to have violated NRS 623.360.1 (a) and (b) by holding himself out as an architect on his website www.tahoearchitect.com.

During a new registrant interview with someone who worked for the Respondent Residential Designer Joel Sherman, it was discovered that Sherman's website www.tahoearchitect.com had Sherman listed as the architect for several Nevada residential projects. After contacting Sherman multiple times in a period of over 6 months with no changes being made to the website a notice of charges was sent.

The Respondent was sent a Notice of Charges concerning the website and a response was received. The decision was made to offer the Respondent an opportunity to settle the issue informally rather than face a disciplinary hearing before the Board. A settlement agreement was negotiated incorporating a No Contest Clause, an Administrative Penalty of \$2,500 and Investigative Costs in the amount of \$1,000.

Staff recommends approval of the settlement agreement.

Motion: Klai moved to approve the settlement agreement. Motion seconded by Garlock.

Vote: All in favor. Motion passes.

AGENDA ITEM 5A-3 Case No. 13-049N – In the matter of James N. Wines and Sculpture In The Environment Inc. dba S.I.T.E.

The Respondents are alleged to have violated NRS 623.360.1 (a) (b) and (c) by holding themselves out as being qualified to practice architecture for a project located in Nevada and engaging in the practice of architecture without having been issued a certificate of registration from the Board.

In reviewing the March 2013 issue of Interior Design magazine, a news article entitled "100 Big Ideas" revealed S.I.T.E as the architecture firm that designed the flagship Denny's restaurant located in downtown Las Vegas. A search of the internet resulted in numerous articles stating that James Wines was the architect on the project.

Subsequent investigation revealed Mr. Wines disseminated a proposal for professional services and executed an agreement with Denny's as the Principal Designer for the alteration and renovation of the full service restaurant located at the Neonopolis. Mr. Wines worked directly with Denny's developing the concept and preparing initial drawings.

The Respondents were sent a Notice of Charges concerning the project and a response was received. The decision was made to offer the Respondents an opportunity to settle the issue informally rather than face a disciplinary hearing before the Board. A settlement agreement was negotiated incorporating a Nolo Contendre Clause, an Administrative Penalty of \$12,500 and Investigative Costs in the amount of \$2,525.

Staff recommends approval of the settlement agreement.

Motion: Ciesynski moved to approve the settlement agreement. Motion seconded by Mickey.

Vote: All in favor. Motion passes.

AGENDA ITEM 5B Discussion and possible decision regarding closure of enforcement cases

Ruark recommended the following cases, which were investigated, for closure without disciplinary action:

12-049R

13-016N

13-054N

14-004N

Motion: Klai moved to close the above-referenced cases. Motion seconded by Snyder.

Vote: Garlock recused himself. All others in favor. Motion passes.

AGENDA ITEM 14 Public Information Report

Bond told the board that the latest issue of *Focus* was provided to them in their e-book and that the final issue for the year will be published in November. She said she will work with Ruark to publish an article in the November issue regarding the use of unapproved firm names by individual registrants.

Regarding the newsletter, Garlock said it is great that the newsletter keeps registrants informed about ongoing continuing education opportunities as they are offered.

The upcoming December Northern Nevada CEU Seminar will be announced in the November issue of *Focus* as well as sent in an e-mail blast to Nevada resident registrants every two weeks up to the seminar date. The flier will also be posted on the board's Facebook page and the website.

Bond said she recently accepted an invitation to speak to the UNLV School of Architecture students at their Annual All School Fall Meeting. Bond said this was an opportunity for students to meet someone from the board office and to briefly explain to them who we are and that we are here to guide them as they move through the process to registration in Nevada. She said she handed out business cards, answered questions, and talked with faculty about future opportunities to come in and speak to students more in detail about the pathway to licensure.

Klai and Snyder, who were in attendance at the meeting said it went quite well and was great for public outreach.

AGENDA ITEM 6 Presentation of Audit results for Fiscal Year End 2013-Christy Andersen, CPA, Bradshaw, Smith & Co., LLP

Christy Andersen, accountant for Bradshaw, Smith & Co., LLP, presented the Fiscal Year End 2013 audit results to the board.

Motion: Snyder moved to accept the audit results for Fiscal Year End 2013. Motion seconded by Garlock.

Vote: All in favor. Motion passes.

AGENDA ITEM 7 Review and approval of the 5-year budget projection from FY 2014-2018

Spaulding presented the budget projection from FY 2014-2018.

Motion: Garlock moved to approve the 5-year budget projection. Motion seconded by Snyder.

Vote: All in favor. Motion passes.

AGENDA ITEM 9A Discussion and possible decision regarding whether to sign the Letter of Understanding for the NCARB and CALA Mutual Recognition

Spaulding said that before the board can consider signing the Letter of Undertaking to adopt the proposed Mutual Recognition Agreement (MRA), the terms must be compared with the current Nevada Statutes. Board members asked for input from visiting NCARB guests, Mike Armstrong, Kathy Hillegas, and Mary DeSouza regarding whether to sign the Letter of Understanding for the NCARB and CALA Mutual Recognition.

Spaulding said that in 1994 when the initial agreement between the US and Canada was enacted the standards between the US and Canada were the same. Over the years, Canada has changed their requirements and no longer takes the ARE, but has their own exam.

Spaulding said the concern with adoption of this agreement is that as per NAC 623.410 all of the following qualifications must be met by Nevada applicants:

NAC 623.410 Registration and certification in another jurisdiction in lieu of examination. ([NRS 623.140](#), [623.210](#))

1. Except as otherwise provided in paragraph (g), the Board will, in lieu of all examinations, accept satisfactory evidence of an applicant's registration and certification as an architect in another jurisdiction if he or she has all of the following qualifications:

- (a) Is of good moral character.
- (b) At the date of application, qualifies to take the architect's examination.

(c) Holds a current certification by the National Council of Architectural Registration Boards, and the file which is maintained by the National Council shows that he or she is in good standing. The applicant must request that the National Council transmit a copy of this file to the Board.

(d) Has passed the:

- (1) Architect registration examination prepared by the National Council of Architectural Registration Boards;
- (2) Professional examination prepared by the National Council of Architectural Registration Boards and the qualifying test or equivalency examination if required by the standards of the National Council;
- (3) Seven-part national examination prepared by the National Council of Architectural Registration Boards, for which 36 hours are scheduled for its completion; or
- (4) Any other examination the Board considers equivalent.

If the examination was prepared by the National Council, the examination and the procedures used in grading it must meet the standards of the National Council at the time the applicant took the examination.

(e) Has acceptable qualifications concerning seismism, such as having completed:

- (1) The structural examination of the National Council of Architectural Registration Boards;
- (2) A seminar on seismic forces approved by the National Council; or
- (3) A treatise that has been accepted by a member Board within Region 6 of the Western Conference of the Architectural Registration Boards.

(f) Has a record which does not show any revocation or suspension of a registration for any disciplinary reason.

(g) Has successfully completed a brief written examination covering [chapter 623](#) of NRS, the appropriate code of ethics and the provisions of this chapter.

(h) If required, at the discretion of the Executive Director or a person otherwise authorized by the Board, has received a favorable evaluation based on a personal interview before the Board. Each interview will be conducted at a time and place designated by the Board.

2. If the applicant meets all the qualifications set forth in this chapter and [chapter 623](#) of NRS and receives the approval of the Board, the applicant is entitled to registration as an architect if he or she submits the applicable fee for certification.

[Bd. of Architecture, § 16, eff. 5-7-80]—(NAC A 10-26-83; 12-15-86; 12-17-87; 10-18-89; A by Bd. of Architecture, Interior Design & Residential Design by R120-01, 3-4-2002)—(Substituted in revision for NAC 623.270)

Spaulding specifically cited NAC 623.410.1(d) stating that the board would be required to deem the Canadian exam as equivalent to the US exam. Spaulding asked how that can be measured by the board and/or legal counsel.

NCARB guest and CEO, Mike Armstrong, addressed the board and said Spaulding was correct regarding misalignment of the examination equivalent. Canadian Parliament determined for licensed practices that they had enough confidence in their education system that if something was covered during pursuit of an educational degree as a precondition of licensure that the same subject matter could not be examined in a licensing exam. In their review of the educational accreditation process in Canada and the small number of their institutions versus the 120+ program in the US it was determined that the Canadian degree probably is a more focused and robust degree versus degrees obtained in the US. According to Armstrong, if one would keep track of the “three E’s” one might argue that Canada is a little ahead in education. Their version of IDP is similar to Category A of our IDP core hours working for an architect. Internship cannot begin until after graduation. So, while in some ways it is a short program, it is much less flexible. The philosophy is that they have enough confidence in their education system.

Armstrong said he would not go on record to say it is not equivalent to the ARE. NCARB believes the proposed revised MRA with the minimum of one year practicing in the home country results in equivalency. He compared it to a chef taking two different approaches to cooking the same recipe. Two chefs each using different measurements of different ingredients could still come up with very equivalent results. Armstrong said as a representative of the national council he is presenting to boards that the two paths to licensure are equivalent but he cannot answer directly if the exams are equivalent.

Erny pointed out that there are lots of architects pursuing licensure from the US to Canada versus Canada to US.

Hillegas said that based on feedback thus far from member boards, it is likely that the agreement will go into effect. She added that not all member boards will have met by the December 31 agreement deadline. She said some boards are taking more than one meeting to get to a final determination. Spaulding asked if there are other boards with statutory language similar to Nevada's language.

Mickey asked hypothetically about reciprocity. Spaulding said a problem would be that we would have to stop the process. Klai said that the cover page gives us the pertinent information, the three elements the board is looking for.

Ling said there are two legal issues to consider. We could easily open up our regulations and just add Canada's exam. As a board you will need to decide if this exam is equivalent. Ling said we could form a board member committee to determine this equivalence. The deadline could be met by reconvening a special board meeting by phone to discuss the committee's recommendation. Spaulding asked how that committee would be able to deem this exam to be equivalent. Hillegas said it would not fly well for the board to say it IS equivalent because NCARB has already determined it NOT equivalent.

Garlock does not think this board has the ability to determine the equivalency but to instead let NCARB flesh it out and we decide if we will be in support of it. Spaulding said one thing we KNOW is the two exams are not equivalent.

Ling said we could add a new subsection to the regulations regarding the new exam plus one year, for example.

Garlock likes Armstrong's example of 2 ways to make soup. He said the national model will make sure the process is right before we make modifications. We will have to make whatever modifications to our statutes that we need to. Ling said we will not meet this deadline because is not part of today's scheduled hearing. The board will need to add this language to another workshop, bring it back before the board, vote, and if it passed it would end up in front of the legislature; then we would be into the next year. He advised that the board work towards restructuring the regulations in preparation for the approval of this agreement as Nevada may have applicants in the future that qualify under this new agreement.

Spaulding said we don't have any wiggle room in the existing regulations. Armstrong said they will not hang their hat on Nevada meeting the December 31 deadline, but hope the board has the bigger discussion about how regulations need to be written to allow for more maneuverability as national agreements get signed or as national policy changes. He added that this is an opportunity to position themselves for the future. Spaulding said these regulations were written when the world was much smaller. Spaulding said as new agreements are forged and exams/internships evolve we don't have flexibility with the existing regulations.

Armstrong asked how education, experience, and examination operate collectively to prepare someone for practice? He said the process is not necessarily sequential anymore nor does the exam act as a culmination of the path in the way that it used to.

Regarding NCARB's Broadly Experienced Foreign Architect program, Spaulding said NCARB seems to be creating an unfair easier path for foreign applicants than there is for US citizens and Nevada does not support this.

Erny said he thinks the only option is to expand on Item 4 with a regulatory modification but that could not happen before the end of the year.

Hillegas said she applauds the board's efforts but reminded them to be aware that effective January 1, 2014 the existing agreement with Canada will cease to exist. She said reciprocal agreements will go away. In the interim, until laws are changed, any new Canadian applicants will need to go through the full Nevada ARE requirements.

Garlock asks if new model law gets implemented would they be required with the new process. Spaulding asked Armstrong if NCARB plans to come up with model law that addresses this issue. Armstrong said he will be curious to track what Nevada does in terms of the regulations and statutes and Nevada may end up being the model used.

Erny suggested that the board puts on our work plan to look at a way to expand and modify our language not only to make this accommodation but make the language a little more flexible in lieu of examination because the future is less prescriptive and in need of more flexibility.

AGENDA ITEM 9B FYI: NCARB's CEO Update for July and August 2013

Mike Armstrong, NCARB CEO was present to give an overview of the update provided to board members for their information.

Armstrong thanked the board for allowing he and his NCARB colleagues Kathy Hillegas, and Mary DeSouza, to be in attendance for the entire board meeting as part of their nationwide tour. He said the member board visits will help them better understand the dynamics of a board's role as a non-profit organization to develop models that then must be adopted as law by state or local jurisdictions. Armstrong said the tour has helped them understand on the grassroots level how the member boards function, what the local political and legal issues are, and the various personalities and traditions across the country. This understanding will help flavor what they do at NCARB.

Armstrong said that each time he and his colleagues attend a meeting they learn something about themselves, the services member boards provide, new ideas, or even putting a focus on ideas that were not focused on before. They already have a list of things that they can learn from to take back to Washington, DC to share with their NCARB colleagues.

Armstrong introduced Mary DeSouza who was promoted over a year ago to Chief Operating Officer at NCARB. DeSouza, who is a CPA, has been with the organization for over twenty

years in finance & operations. Armstrong said NCARB has a consistent focus throughout the organization on planning, strategic thinking and acting in a more proactive, more collaborative and more transparent way. Armstrong said that DeSouza has extraordinary skills in those areas and has been able to help bring to reality some of the vision he has had for NCARB since he came on board.

Armstrong also introduced Kathy Hillegas, who has been with NCARB for approximately 7 years has the title of Director for Council Relations which includes components of what she was doing previously. This includes meeting planning, support of NCARB's Board of Directors and much more. He said she will explain further how her portfolio has grown through the years.

Armstrong shared that with NCARB's monthly report, the Fast Facts publication that goes to member boards and recent updates to the website they are working hard to be more transparent and open to interaction and constructive criticism when necessary, in hopes of not being aloof or defensive or inaccessible as NCARB may have been perceived in the past.

He said the ARE 5.0 that was announced at the annual meeting in June is percolating quite nicely. He said the future version is being taken in a slightly different direction than originally planned. They are still committed to having a candidate graphically represent their knowledge within an exam format but the evolution of the testing industry has allowed NCARB to move away from the graphic vignette as the tool to use graphic representation. He said the Research & Development Committee combined with the Special Project Team brought a series of options to the NCARB board to arrive at a special option unveiled at our annual meeting. The target is to try to unveil the new exam in the fall of 2016. There are several milestones they are trying to hit in the interim such as a new format so questions can be developed and a realignment of the existing data bank. NCARB wants to give people a complete two and a half years before rolling out the transition into the new exam. An alternative to transitioning into the new exam is being considered where there would be two exams. One exam would keep those in the 4.0 queue where they are with new exam candidates taking the 5.0. There are a variety of challenges to this option but NCARB will consider all options.

The eight week blackout occurring in the summer was designed to finalize the transition to a new team for the ARE. NCARB had been with Prometric for 17 years. Now the contract has been divided into three smaller pieces where Prometric has been retained as the test center vendor. A new vendor will now be handling candidate management and exam development. Prometric transferred all data including historical data over to both NCARB and the new vendor

With NCARB's president currently being the first president to go through IDP, Armstrong said they consider this a generational tipping point. He said that as we are now moving into a world where supervisors will have taken the IDP, interns will perhaps be exposed to early enrollment and taking exams earlier because their supervisors will have a better understanding of IDP because they will have already gone through it themselves. This will result in interns having a better experience with moving through the process.

Armstrong said the NCARB board voted in September to make two changes. The duration requirement has been removed. One hour of experience counts without any minimum duration

requirement. Eligibility has been simplified to include high school diploma versus high school diploma plus enrollment in a NAAB accredited degree or working for a firm. This especially acknowledges multi-generational practice of architecture within a family eliminating unnecessary impediments. This is on the heels of 2.0 which allow academic internship credit, working in construction industry, public service and volunteer activity. Armstrong said he and NCARB President, Blake Dunn feel strongly that the way one applies experience and the way experience relates to the practice of architecture is changing. As a result, while some changes have been made to IDP, more changes need to be made towards simplification without sacrificing rigor. Armstrong said NCARB has a multi-disciplined team of staffers presenting to the board of directors options on two fronts which are to simplify the existing IDP framework by the end of the fiscal year and at same time want to come up with an overhaul option that acknowledges the fact that IDP started because there had been a tradition with architecture around apprenticeship. If you didn't have the right apprenticeship you would only get experience in one area so the broadly experienced path had to be taken. Then the issue of how to document, then how to force supervisors to attest that it really occurred, laying on more and more and more drifting away from the original intent of experience. So, what can we do to overhaul or simplify the process? Hopefully, by the end of the fiscal year a simplification plan will be in place taking less than a year to implement. He said an overhaul plan might take a little longer but complementary to the simple plan.

NCARB is now tackling BEA & BEFA and even looking at proposal from California to even look at a Broadly Experienced Intern program. Armstrong said they want to acknowledge there are jurisdictions where alternative paths of licensure are permitted for education. He said it is a political reality that they will always be jurisdictions that allow licensure from a non-accredited school. He said there will never be a utopia where every jurisdiction has only NAAB accredited schools. So if it is a reality, instead of punishing people who may not have any another option because of finances or geography, NCARB must explore what can be done so that those alternative options are just as safe to the public and as easy to document as the traditional NAAB accredited path. He believes there are people in the pipeline today who want to practice architecture, but because of the perceived bureaucracy or cost to NCARB programs they are not practicing architecture. He said that should not be the reason for someone not to practice architecture. The reason should be because the system filters them out, not because we created unnecessary impediments. So, he said NCARB is to simplify programs in both terms of fee schedules as well as dossier review processes.

Regarding education, Armstrong said that every five years NAAB has an accreditation review conference that examines all elements of accreditation based on what we know today still works and what needs to change. It is a collaborative event with the main theme of simplification. He said they de-politicize the tone of parts of accreditation and talk about what is best for the institution and how to make it simpler. As a result NAAB, at the end of August, proposed a draft of published changes to the conditions for accreditation public on their website. The comments due by November by NCARB gave a preliminary response.

A new task force has been set up that past NCARB president, Ron Blich is heading called the Licensure Task Force which is a big blue sky effort on how to create the framework where one might obtain a license at graduation and what would be required to come up with such a concept.

All the participants were asked if we started from scratch taking the essential elements of education, internship, and the ARE how would some of the elements be moved around to get the best value. Are some unnecessary, duplicative? Could we create a more porous process? For many jurisdictions, not Nevada, he said the laws are written so broadly about the ARE generically, the IDP, a NAAB degree generically that we could move these elements around & still honestly say they each are still being achieved. A person on an alternative path would qualify for reciprocity. He said that it may take ten years to only have ten jurisdictions doing this, but he believes it is a very important discussion to have based on the way everything is changing based on technology, based on the marketplace, based on what the role of architecture is in the 21st century.

He said that after only one meeting they got much farther than expected. For the second year the task force may invite a pilot jurisdiction with an institutional representative and a member board representative to talk about what's feasible and see how one would define success. There will be four meetings in year one. He said that in regards to the three-legged stool of experience, education, and the exam, for years it has been suggested these are sequential thus the path to licensure takes quite a while compared to other professions. One can already take IDP while still in school and in many jurisdictions can already take ARE while still in IDP. He said the day is probably coming soon when the ARE can be taken the last year of school. It is no longer accurate to refer to the ARE as the last step in the registration process.

The last release of 'NCARB By the Numbers' reported that people who take the ARE before they finish their IDP have higher pass rates. The old adage of finishing IDP before being ready to take the ARE is not necessarily true anymore. This is forcing us to ask wholly new questions about the path to licensure. Armstrong said not to panic as this is still very much at blue sky level.

Armstrong asked Hillegas to talk about what is happening with her department, Council Relations. She thanked the board for allowing them to sit in on the board meeting said she is gaining so much by being able to visit the member boards across the country. She said that out of 54 boards there are 24 that regulate architects only. Of those other 30, 13 of them are combined in some way to regulate architects and interior designers.

She said that she agreed with Armstrong that there is a lot of redesigning going on among the organization as it relates to member board relations. She has a team of two focusing on member board relations that are passionate about supporting member boards. Some things they started last year were to subscribe to Congressional Quarterly which tracks legislation among all 54 member boards. At the annual meeting they debuted a legislative tracker to be shared with member board executives and quickly realized that it not only needs to be share with MBEs but also with board members. The frequency at which the report will be provided will depend on activity.

Hillegas said they have unveiled a Member Board Research Library as a resource for member boards. For example, one area of research her department is looking into is establishing what a continuing education (CE) standard might look like. Over time quite a databank of resource information has resulted of researched topics ranging from continuing education to seals and

signatures. The information has been beneficial for NCARB's use but they are realizing it would be a great benefit to share with member boards. They are currently working on reformatting it from a massive spreadsheet format to a new format that can be found on the Registration Board section of the website.

NCARB has started a review of the rules and regulations for jurisdictions. Hillegas said that NCARB would be happy to look at any proposed changes to rules and regulations that the board may be considering. They will review them making a determination as to how they align with NCARB Model Law. In some jurisdictions (FL & MA) they have done line-by-line reviews, determining where their model law is out of alignment and asking for recommendations on how to get them into alignment or make their language broad enough to give flexibility for changes such as this exam requirement in the future. They currently have requests from two other jurisdictions for review. In Florida, NCARB spent a day and a half with their board members going through one-by-one, negotiated possible changes to the law, submitted those proposed changes to the legislator, and got them approved. She said this was a huge victory.

Hillegas said that NCARB is creating a new quarterly electronic newsletter called 'e-source' for member boards to keep members informed regarding NCARB programs as well as serve as a tool to enhance their service as members of a regulatory board.

Lastly, Hillegas said she wanted to start a conversation about NCARB's goal to significantly focus on a data collection initiative where member boards are being asked to share their licensee information with NCARB. She said the e-source newsletter has an extensive article coming soon on the subject. NCARB's big goal and desire is to have a centralized database with information on all licensees across the country not reflective of just NCARB Certificate Holders but reflective of the entire profession.

Hillegas said the result would be the creation of a centralized comprehensive database of all licensees as that would also track all licensee disciplinary action. She said current database housing licensee disciplinary action is pretty primitive in nature.

Mary DeSouza introduced herself and said this was her first time to attend one of the member board's meetings. She said this is a great first meeting because Nevada is the model for best practices for state boards.

DeSouza shared that NCARB has three goals/themes in their strategic plan. The first goal is that they are facilitating the licensure process by supporting state boards and supporting their customers. In reference to what Armstrong previously shared about partnering with exam vendors, she said that this is the first time NCARB will have access to all the exam information, now being equipped to give full customer service to the candidates. NCARB can answer their questions which is a huge new service they can provide with no additional resources.

The second goal is collaboration with collateral organizations and with the board members. DeSouza said the third goal is centralizing credentialing data. For DeSouza the key is that this goal is about providing member boards the ability to interact with NCARB to provide more transparency to their registrants. NCARB now has visibility into what is going on with exam

data and the transcript. She said they do not currently have dependable licensee and discipline data provided by state boards. There are eight to ten key fields NCARB is asking for boards to collaborate on in terms of data capture. Then the information could be depended on when a jurisdiction receives a new application for reciprocity. The member board would have access to information on that applicant provided by the other jurisdictions where they are currently licensed and whether or not they have disciplinary action in any jurisdiction.

Erny said before we go there to add on to the new discussion regarding the path to licensure, the University of Minnesota has already started implementing a program that allows experience plus testing to be combined where a student is able to graduate with a license. (Architectural Magazine 10/22/2013)

Armstrong said what they are doing is creating structure for a generation that seems to struggle with creating structure. It shows that even with the current limited structure of our programs someone focused and structured can run through and get licensed fairly quickly.

Erny said we need to be involved in that discussion so efforts are not fragmented and there will be consistency as this evolves.

AGENDA ITEM 9C **FYI: NCARB's BOD Brief for September 2013**

Erny said this information was provided for board members' information.

AGENDA ITEM 9D **FYI: NCARB's Fast Facts for August, September & October 2013**

Erny said this information was provided for board members' information.

AGENDA ITEM 9E **FYI: Notice of Approved IDP Changes, October 14, 2013**

Erny said this information was provided for board members' information.

AGENDA ITEM 9F **FYI: WCARB Region 6 meeting minutes: June 21, 2013 San Diego**

Erny said this information was provided for board members' information.

AGENDA ITEM 10A **Discussion and possible decision regarding the Residential Design Exam contract with Prometric**

Spaulding said the board recently received notice from Thompson Prometric that they are cancelling their contract with the board for grading of the residential design exam. The

minimum contract Prometric will accept is a \$100,000 contract versus the current \$1,000 per year contract.

Spaulding said the current exam content for the three written portions of the residential design exam was written with the help of board members, volunteers, building officials, structural engineers, and code officials. Prometric, in the past, has provided a psychometrician to make sure the exam questions were psychometrically defensible and appropriate for the residential design exam. Spaulding said the pass rate has gone down exponentially. She said the board created the testlets and owns all exam content.

She said that Prometric's role is to provide a copy of the testlet that has already been compiled and they grade it for us at \$500 per exam. When staff contacted them to order testlets and scantron sheets for the August 2013 administration of the exam they were told that our account representative was no longer with the company and that they showed no record of us as a customer. After several calls to Prometric they finally located the contract and the exams, immediately notifying staff that they were not going to renew the contract and would provide the exam and grade it one last time.

Spaulding said she later had a lengthy conversation with Susan Powell, Director for Government Affairs. Powell said she would take it back to her boss and then came back and said it will be \$100,000 to renew the contract. Spaulding told Powell that the board owns the exam content and that we would need that back along with the testlets and the answer keys.

Spaulding said options for the board to consider were to look for another testing agency to house our exams or house the questions ourselves until such time as we need to revise the exams for code relevancy. At that point, perhaps whoever we bring in for the psychometric details could house the questions for us and do the grading.

Spaulding said that due to the circumstances, there will not be another administration of the residential design exam in February 2014 unless the board can retrieve the exam content from Prometric and administer the exam.

Spaulding and Tindall agreed that while finding a new vendor is necessary, the board can house the exam content and administer the exam. Spaulding added that until such time as the exam content is updated, it would not be a problem to keep the content secure and rotate the testlets.

Erny said there are other measures out there to explore and bring those back for discussion at a future meeting. Armstrong said that if we are going to design a statement of work and scope NCARB would be interested in bidding as a vendor.

There was no vote and that was all that was said other than, "Prometric is out."

AGENDA ITEM 10B Discussion and possible decision regarding whether to pay for the updated residential designer stamps for Nevada's residential designers

Motion: Ciesynski moved to approve payment by the board for update to the residential designer stamp's for Nevada's residential designers. Motion seconded by Tindall.

Vote: All in favor. Motion passes.

AGENDA ITEM 11A Discussion and possible decision on the Public Member Bylaw resolution to be considered at the Council of Delegates meeting on November 8-9, 2013

Ciesynski led the discussion to gather input from board members regarding a Public Member Bylaw resolution being considered at the upcoming NCIDQ Council of Delegates meeting to be held in November.

Ciesynski proposed three options which were to leave the bylaw as it is, change the bylaw to include provisions to aid in the search process of finding a public member, or to eliminate the public member position.

Erny said this resolution will be discussed at the meeting and the board's input is needed.

Garlock supports that the public member is important versus eliminating it.

Spaulding said she likes what NCARB has recently done to improve the search process of finding a public member by sending emails to member boards asking them to share the request. Spaulding asked about the process requiring them to not be related to the profession.

Ciesynski said a suggestion to change the bylaw would help.

AGENDA ITEM 11B Discussion and possible decision on the nominations for the 2014 CIDQ Board of Directors

The board discussed and agreed to submit the proposed slate of nominees for the 2014 CIDQ Board of Directors. Board member Sean Tanner will sign as Nevada's delegate.

AGENDA ITEM 11C Discussion and possible decision regarding the Golden Nugget topic to use for Nevada at the CIDQ Council for Delegates meeting on November 8-9, 2013

Ciesynski told the board that Spaulding will present the Blue Book as the Nevada board's Golden Nugget topic at the upcoming November CIDQ Council for Delegates meeting in November.

AGENDA ITEM 12 Executive Director Report

Spaulding said the 2014 registration renewal notices and continuing education audit letters are currently being prepared for mailing by staff and would be out by the end of the week.

Spaulding reminded everyone that the first annual Northern Nevada Joint NSBAIDRD/AIA CEU Seminar would be held on Wednesday, December 4, 2013 at the Silver Legacy Resort Casino in Reno. She urged all board members to attend this full-day seminar offered free of charge and sponsored jointly by the board and the Las Vegas chapter of the AIA for the first time in Northern Nevada to all registrants.

The NCIDQ National Meeting will be held in Las Vegas on November 8 and 9. Board member, Kim Ciesynski serves currently as the NCIDQ President and John Klai is an NCIDQ Board Member. Spaulding asked that all NSBAIDRD board members plan to attend that meeting. Staff will be there, as well. Board members Erny, Mickey, Klai, Tanner, Snyder, and Tindall said they would attend.

Spaulding said the new database system is now online and staff is continuing to work with GL Suites to get the kinks out of the system. She expects that online renewals will be instituted in one year as board staff works toward further automation of systems with the database.

Spaulding asked board members to start thinking about how to transition applications from the current process of requiring that applications currently contain original notarization and original signatures. Board members suggested applicants submit scanned versions of the signatures and notarizations or attestations.

AGENDA ITEM 13 Board Counsel Report

Ling updated the board regarding the Rusk case. Since the dismissal of Rusk's appeal by the Supreme Court, Rusk has filed a request for a rehearing and reconsideration of the dismissal of the case. Ling filed a document explaining why the board felt the dismissal was proper and should remain. Ling said we will now wait for the Supreme Court's final decision.

Ling said there was still no new information regarding the Kaleta case.

AGENDA ITEM 17 Election of Officers

Motion: Ciesynski made a motion that the board re-elect Greg Erny as board chair and John Klai as secretary/treasurer for the coming year. Snyder seconded the motion.

Vote: All in favor. Motion passes.

AGENDA ITEM 18 Items for future agenda

- Strategic Planning priorities
- NCARB CALA Regulation discussion
- Discussion regarding what is necessary for Nevada to consider accepting BEFA

**AGENDA ITEM 16 Public Hearing for NSBAIDRD Housekeeping Regulations
R076-13**

Erny opened the public hearing for NSBAIDRD Housekeeping Regulations R076-13 calling for public comment. There was none.

Motion: Klai moved to approve the proposed NSBAIDRD Housekeeping Regulations R076-13. Motion seconded by Garlock.

Vote: All in favor. Motion passes.

AGENDA ITEM 19 Public Comment

There was no public comment.

Chairman Erny adjourned the meeting at 5:00 p.m.

Gina Spaulding, Executive Director

John Klai, Secretary/Treasurer